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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.,

Counter-Defendant,

v.

GENENTECH, INC., and CITY OF
HOPE,

Counter-Plaintiffs.

Case No. CV 08-03573 MRP (JEMx)

**APPLICATION TO FILE UNDER SEAL
DOCUMENTS IN SUPPORT OF
GENENTECH, INC. AND CITY OF
HOPE'S MOTION TO PRECLUDE OR
STRIKE TESTIMONY OF DR. WALL**

Date: August 17, 2010
Time: 11:00 a.m.
Judge: Hon. Mariana R. Pfaelzer
Ctrm: 12

APPL. TO FILE UNDER SEAL DOCS. ISO DEFS.' MOT. TO PRECLUDE OR STRIKE TEST.
OR DR. WALL / Case No. CV 08-03573 MRP (JEMx)

1 PLEASE TAKE NOTICE that pursuant to Local Rule 79-5.1, Defendants and
2 Counter-Plaintiffs Genentech, Inc. and City of Hope seek leave to file the following
3 documents under seal:

4 1. Memorandum of Points and Authorities in Support of Defendants
5 Genentech, Inc. and City of Hope's Motion to Preclude or Strike Testimony of Dr. Wall;

6 2. Declaration of Daralyn J. Durie in Support of Defendant Genentech, Inc. and
7 City of Hope's Motion to Preclude or Strike Testimony of Dr. Wall, with the exhibits set
8 forth below:

9 3. Exhibit A to Durie Declaration: Expert Report of Randolph Wall, Ph.D.,
10 designated confidential pursuant to the protective order herein;

11 4. Exhibit B to Durie Declaration: Responsive Expert Report of Randolph
12 Wall, Ph.D., designated confidential pursuant to the protective order herein; and

13 5. Exhibit C to Durie Declaration: Transcript of June 11, 2010 deposition of
14 Randolph Wall, Ph.D., designated confidential pursuant to the protective order herein.

15 The documents sought to be filed under seal contain confidential information
16 pursuant to the protective order. Therefore, Genentech seeks a Court order to seal these
17 documents.

18 For the foregoing reasons, Genentech and City of Hope respectfully request that
19 the Court grant this application and order that (1) Memorandum of Points and Authorities
20 in Support of Defendants Genentech, Inc. and City of Hope's Motion to Preclude or
21 Strike Testimony of Dr. Wall and (2) Declaration of Daralyn J. Durie in Support of
22 Defendant Genentech, Inc. and City of Hope's Motion to Preclude or Strike Testimony of

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1 Dr. Wall and Exhibits A, B and C thereto be filed under seal.

2 Genentech and City of Hope are filing, concurrent with this Application, a
3 proposed order sealing the above-referenced documents.

4
5 Dated: July 12, 2010

By: /s/ Daralyn J. Durie

Daralyn J. Durie

6 Mark Lemley

7 DURIE TANGRI LLP

217 Leidesdorff Street

8 San Francisco, CA 94111

9 Attorneys for Defendant GENENTECH, INC.

1 **CERTIFICATE OF SERVICE**

2 I certify that all counsel of record are being served on July 12, 2010 with a
3 copy of this document via the Court's CM/ECF system.

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12 I declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct. Executed on July 12, 2010, at San
14 Francisco, California.

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16 Margaret Ann Franz

17 Margaret Ann Franz
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